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Supreme Court, U.S.
FILED

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NO._____

IN THE

SUPREME COURT OF THE UNITED STATES

JUAN P. CEDILLO, PRESIDENT

UNITED STATES COUNTRER-INSURGENT

ASSOCIATION OF JUSTICE, INC. – Petitioner

vs.

UNITED STATES OF AMERICA – Respondent

ON PETITION FOR WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

JUAN P. CEDILLO

1215 GRAND AVENUE

KANSAS CITY, MISSOURI 64106

1-816-221-0341

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QUESTION PRESENTED

WHETHER CONGRESS MAY ENACT LAWS SINGLY AGAINST ONE CLASS OF PERSONS; SUBSEQUENTLY DIVEST ANOTHER CLASS OF THEIR CONSTITUTIONAL RIGHTS; THEN JUDICIALLY DISPIRIT BOTH CLASSES WITHOUT REVIEWING THE MERIT OF THE DISPUTES WHICH EVOLVE; AND DO SO UNDER THE GUISE OF SERVING THE INTEREST OF THE AMERICAN PEOPLE?

LIST OF PARTIES

[x] All parties appear in the caption of the case on the cover page.

[ ] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgement is the subject of this petition is as follows:

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINION BELOW

[x] For cases from Federal Court:

The opinion of the United States court of appeals appears at Appendix A to the petition and

[ ] reported at _____ ;or,

[ ] has been designated for publication but is not yet reported; or,

[x] is unpublished.

The opinion of the United States district court appears at Appendix C to the petition and

[ ] reported at _____ ; or,

[ ] has been designated for publication but is not yet reported; or,

[x] is unpublished.

JURISDICTION

[x] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was March 7, 2001 but decision was not received until March 28, 2001 .due to postal error.

[x] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date:

_____ , and a copy of the order denying rehearing appears at Appendix _____ .

[ ] An extension of time to file the petition for writ of certiorari was granted to and including _____ (date) on _____(date) in Application No._____.

[X] The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1) in conformance with Rule 10(a) as expressed in U.S. v. Yian, 905 F. Supp. 160 (S.D.N.Y. 1995); affm'd U.S. v. Lue, 134 F.3d 79 (2nd Cir. 1998).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED IN THE CASE

Petitioner Cedillo sought to establish a sanctuary within the State of Missouri for classes of persons being offensively abused under color of enforcement law jointly by state and federal public servants who deliberately wove their unlawful exercise of authority into a confluent force defying various rules of law expressed in federal court cases thereby efficaciously denying the power of the United States Constitution; to include, but in no way limited to the following:

1. Fifth and Fourteenth Amendments to the U.S. Constitution which protect every alien from deprivation of life, liberty, or property without due process of law specifically addressed by 18 U.S.C. § 242 relative to aliens. Said § 242 is especially applicable since aliens whose presence in the United States is either unlawful, involuntary from a human nature standpoint, or transitory are entitled to said constitutional protections; and especially since neither treaties nor laws passed pursuant to either amendment are free from other constitutional restraints, such as the Bill of Rights, as expressed in U.S. v. Yian, 905 F. Supp. 160 (S.D.N.Y. 1995); affm'd U.S. v. Lue, 134 F.3d 79 (2nd Cir. 1998); both of which subordinate 8 U.S.C. §§ 1221 - 1231 and 1252(f): the laws enacted the Congress prior to those said rule of law decisions. The title 8 provisions are material to the arguments used to dismiss an injunction in the district court against said abuses for 'lack of jurisdiction' by the Respondent United States of America, *our* Nation, as represented by the Department of

Justice, "DOJ", for the federal government only -- not the state governments whose authority is both material and embraced to accomplish the abuses sought to be restrained. The questioned decision of the district court has been affirmed in petitioner's every attempt by the Eighth Circuit using the exact same argument of the lower court without either court ever addressing the unconstitutionality of the said provisions of title 8, as averred by petitioner.

2. Bills of pain and penalties -- defined in *Cummings v. Missouri*, 71 U.S. 356 at 323 (1866) as bills of attainder against a clearly defined class in violation of Article I, Section 9, Clause 3; to wit: No Bill of Attainder or ex post facto Law shall be passed -- are contained in 8 U.S.C. §§ 1221 - 1231 and 1252(f) and are being imposed by public servants against alien relatives of Americans as the source under color of lawful authority for the initial unconstitutional punishments inflicted without benefit of court actions to obtain subsequent court ordered deportations, an ex post facto act giving effect to the prior punishments.

3. Fourth Amendment right of the people to be secure and not be violated in their persons, houses, papers, and effects against unreasonable searches and seizures. Today 8 U.S.C. §§ 1221 - 1231 and 1252(f) allow Department of Justice (DOJ) persons to invade the residence of American citizens without benefit of search or arrest warrants or necessary sworn affidavits therefor, where at least one parent in the residence is an alien; then on that unlawful authority apprehend the alien, remove them from their residence after invading same, and then seek, obtain and orally engage local police to effect their arrest in any state at any time, day or night; and thereafter the arrested person is swiftly transported, as though lawful, outside of the jurisdiction of the arresting officer either inter-district federally or inter-state, and then the alien is incarcerated inviolate without either bail, counsel of their choice, or notification of immediate family members until an appearance before a magistrate judge has occurred and court jurisdiction is then imposed. The punishment dispirits the

American relatives, being Crimes Against Humanity or their *Spirit* defined as unrestrained acts against them by illicit government authority exercising the public trust and committed in execution of, or in connection with any crime within the jurisdiction of the district court, whether state or federal. The district court disclaimed jurisdiction countering 18 U.S.C. § 242. See Harris, Whitney R. *Tyranny on Trial: The Evidence at Nuremburg. Pt. 4, New York, 1958;* Marrus, Michael R., *The Nuremburg War Crimes Trial, 1945-46: A Documentary History*, Chap. 7, Boston, 1997; and especially see the quote in Tedford Taylor, *The Anatomy of the Nuremburg Trials*, p. 294, New York 1992, with reference to the word *spirit* spoken by Francois de Menthon, Prosecutor for France in said trials: "I propose today to prove to you that all this organized and vast criminality springs from what I may be allowed to call a crime against the spirit."

4. Fifth Amendment deprivation of life, liberty, or property, without due process of law. Supra, Paragraph 2: *Yian* and *Lue*.

5. Sixth Amendment denial of a public trial by an impartial jury without discriminating against any class of potential jurors, 396 U.S. 320, of the State and district wherein the crime shall have been committed, which district shall have been *previously*, not after the fact, ascertained by law, 419 U.S. 522 as follows:

A. Aliens relatives of Americans are forcefully removed from the district after the illicit arrest where the alleged crime may have been committed, ofttimes beyond the financial means of their American relatives to be present.

B. They are tried without a jury, found guilty of a felony by the magistrate judge, and ordered deported. Should an appeal be taken though not authorized under title 8, deportation is effective immediately.

C. All of the foregoing occurs under color of law in the spirit of a speedy trial not otherwise available to American Citizen. Supra.

6. Seventh Amendment denial of jury trial. Supra.

7. Eighth Amendment denial of bail, and cruel and unusual punishment dispiriting innocent American citizens relatives, mostly children. Supra.

8. The Tenth Amendment's mutually exclusive sovereign powers reserved for the American People have been denied: the mutually exclusive sovereign powers so reserved are those powers denied to the United States Government by the Constitution, prohibited by it to the States, and those powers reserved by the States. Petitioner realizes this latter issue is highly controversial but needs to be addressed by this Court as follows:

A. It is given that: (i) the States under the Section 9, Article I, Cl, 1 controlled migration and importation of persons before 1808; (ii) the former colonist controlled such migratory powers beginning with the Treaty of Peace concluded between the English Sovereignty and the former colonist which ended the Revolutionary War; and (iii) the States acquired whatever migratory or import powers they possessed between the said treaty and ratification of the Constitution.

B. In brief under said Section 9, Cl. 1 neither the people nor the States gave up the Migration or Importation powers of such persons as they thought proper to admit upon ratification of the Constitution until 1808; however, the Congress under said Section 9, Cl. 1 could prohibit the migration and importation of persons to the States thereafter. The Thirteenth Amendment subsequently altered said Section 9, Cl. 1 and all allied provisions of the Constitution in concert therewith which placed a monetary value upon persons as though mere property, whether migratory or imposts; it suppressed federal and state importation and migration of persons as slaves thereby; and accordingly, the entire migratory and importation provisions of Section 9, Cl. 1 and those said allied provisions elsewhere in the constitution became repugnant to the constitution and null, void, and without legal effect from ratification of said Amendment and Marbury v, Madison, 5 U.S. (1 Cranch. 137 at 180) 60 at 74.

C. Migratory efforts, whatever the source of that force, could

no longer be prohibited by the Congress under said Section 9, Cl. 1 provisions; and those migratory powers returned, perhaps by default, under the Ninth and Tenth Amendments to either the States or to the people, but not both since Tenth Amendment national sovereignty powers are mutually exclusive to the three divisions of sovereignty: the United States Government, the State Governments, and the American People. Formally and prior to 1808 however, States were limited to taxing migratory and importations powers of persons as though they were property which ceased immediately upon ratification of the Thirteenth Amendment, reverting to the People..

D. Although taxing power on migratory imports ceased on ratification of the Thirteenth Amendment and although both State and Federal power over such migratory imports also ceased; nothing whatsoever in the Constitution addresses the power of the American People over migratory imports before or after said ratification except favorably by the Ninth Amendment. Alien relatives within the United States of the American People are therefore now an unpartitioned segment of the American People by blood relationships, if for no other reason, and such migratory and importation powers have been returned to the American people without interference, whether state or federal; since the Constitution of the United States is the voice of the American People spoken to the state and federal governments, and since the constitutionality of any statute to the contrary is without standing.

STATEMENT OF THE CASE

9. American members in petitioner's organization endure unjust suffering; the effect of such suffering is an attacks on their spirit; and the attacks are the acts of public servants which, as a result of conscious and deliberate purpose, serves to undermine the integrity of the Nation identified as the United States of America and its Constitution, the integrity of United States Government, and the governments of all States, especially those of Texas, Colorado, New Mexico, and Missouri.

10. Attempts to acquire an injunction from a district court judge

from the aforementioned course of illicit conduct were denied and the case dismissed without addressing the said conduct on grounds the district court lacked jurisdiction to review the judgment of a magistrate judge upon implementation of 8 U.S.C. §§ 1221 - 1231 and 1252(f) as averred by DOJ attorneys in support of confluent acts of its agents and errant state local police authority.

11. Upon appeal, the Eighth Circuit repeated the lower court decision, verbatim and affirmed that decision without deference to 18 U.S.C. § 242 and without ever addressing the said illicit course of conduct; refusing to reconsider their actions regardless of the repeated application for that specific effect brought by petitioner; and deciding with indifferent to the rule of law effective after the enactment of the said title 8 provisions.

12. The Court upon deciding whether a writ is justified should consider the following statements sensed from writings of a previous associate justice, Mr. Justice Robert H. Jackson, who had been Chief Prosecutor of the Nuremberg Trials, who had strong constitutional convictions before the Nuremberg Trials, and who, as a direct result of his Nuremberg experience, made personal statements about that experience which gave renewed strength to his pre-Nuremberg writings and which since those trials characterize the course of conduct for which petitioner sought injunctive relief ab initio:

A. In a majority court opinion written before the Nuremberg Trials by Justice Jackson in *West Virginia Board of Education v. Barnette*, 319 U.S. 624 at 638 (1943), he stated:

> The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no election.

B. Petitioner sensed the following from his post-Nuremberg writings the following paraphrase: 'People are in the hands of police, the police are in the hands of power broker, and that broker was in the hands of a ring of evil men.'[1]

C. Petitioner also sensed the following: 'Police seized property, deprived individuals of liberty, and even took away life itself without responsibility to any law and without warrant from any court.'[2]

D. In *Shaughnessy v. Mezei*, 345 U.S. 206 (1952), the Court sustained an Attorney General's order, perhaps on national security grounds, to arrest an alien, Mezei, without a hearing. In Jackson's view on page 224, "[p]rocedural fairness and regularity are the indispensable essence of liberty." Further on page 226, he thought that the government's detention of Mezei had the "unmistakable overtones of the type 'protective custody' used by the Nazis" since those arrested could claim no judicial or other hearing. And finally on page 227, Jackson expressed a fear that other's concerns for national security effectively blinded them so that they could see no other dangers of equal import and caused him to be "equally aroused by those who will not see danger in anything else."

---

[1] Jackson, *The Nuremberg Case*, at 96, (1947): "[t]he German people were in the hands of the police, the police were in the hands of the Nazi Party and the Party was in the hands of a ring of evil men."

[2] Jeffery D. Hockett, Justice Robert H. Jackson, The Supreme Court, and the Nuremberg Trial, The Supreme Court Review, (1990), The University of Chicago Press, Edited by Gerhard Casper, Dennis J. Hutchinson, and David A. Strauss; referring to Jackson, *The Nuremberg Trials,* (1947) as follows: "The Nazis seized property, deprived individuals of liberty, and even took away life itself '[w]ithout responsibility to any law and without warrant from any court'."

E. In *Brinegar v. United States*, 338 U.S. 160 at 180 (1949), Justice Jackson said, "[w]e cannot give some constitutional rights a preferred position without relegating others to a deferred position."; and on page 183, he said:

Among deprivation of rights, none is so effective in cowing a population, crushing the spirit of the individual and putting terror in every heart [as is deprivation of Fourth Amendment freedoms]. Uncontrolled search and seizure is one of the first and most effective weapons in the arsenal of every arbitrary government.

13. Thus, the petition for a writ of certiorari is both necessary and proper.

REASONS FOR GRANTING THE PETITION

14. No court of law, common or otherwise, state or federal, within the jurisdiction of the United States of America has either the constitutional power and statutory authority to decide cases in favor of courses of conduct repugnant to the Constitution of the United States of America -- the Voice of the American People, and the constitutions of member States -- the Voices of State Citizens.

15. The Eighth Circuit defied 18 U.S.C. § 242 and the decision of the Second Circuit in *Lue* in spite of its rule of law altering previous mandates of 8 U.S.C. §§ 1221 - 123Ī and 1252(f) without ever addressing the course of conduct petitioner sought to enjoin; and the said court thereby denied the power of §§ 1,3, and 4 of the 14th Amendment.

16. Those two reasons supported the Eighth Circuit's refusal to recall their mandate to the lower court decision affirming it had no jurisdiction to enjoin the Respondent United States of America pursuant to said title 8.

17. This Court has the judicial power by its jurisprudence against the manifest weight of the evidence ignored by the lower courts to correct the wrongs dispiriting American Citizens under color of

constitutional power and statutory authority altered by timely rule of law decisions in other courts.

18. The Court has the power to restore justice in this land of ours.

CONCLUSION

The petition for writ of certiorari should be granted.

Respectfully submitted,

Juan Cedillo — May 22, 2001

Juan P. Cedillo — Date

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 99-4269

Juan Cedillo, etc.,	*	
	*	
Appellant,	*	
	*	Appeal from the United States
vs.	*	District Court for the
	*	Western District of Missouri
United States of America,	*	
	*	
Appellee.	*	

Appellant's motion to recall the mandate has been considered by the Court and is denied.

March 7, 2001

Order Entered at the Direction of the Court:

Michael E. Gans

Clerk, U.S. Court of Appeals, Eight Circuit

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

COPY

NO. 99-4269

JUAN CEDILLO, President, United States Counter-Insurgent Association of Justice, Inc.,

Appellant,

v.

UNITED STATES OF AMERICA

Appellee.

RECEIVED
FEB 2 3 2001
U.S. COURT OF APPEALS
EIGHTH CIRCUIT

* Appeal from the United States
* District Court for the Western
* District of Missouri.

MOTION TO RECALL MANDATE ISSUED 12/19/00

COMES NOW Juan Cedillo, President, United States Counter-Insurgent Association of Justice, Inc. and Superintendent of a Counter-insurgency Sanctuary protecting *any persons*[1] covered by the United States Constitution and imposed upon the governments from acts by public officers, agents, and employees under color of law or official right that are repugnant to said constitution in general and the self-executing provisions of the Bill of Rights and §§ 3 and 4 of the Fourteenth Article Amending the United States Constitution in

[1] 5th Amendment protects every alien from deprivation of life, liberty, or property without due process of law; even one whose presence in this country is unlawful, involuntary, or transitory is entitled to that constitutional protection; further, neither treaties nor laws passed pursuant to them are free from restraints of the Constitution, such as the Bill of Rights. U.S. v. Yian, 905 F. Supp. 160 (S.D.N.Y. 1995); affm's U.S. v. Lue, 134 F.3d 79 (2nd Cir. 1998); and subordinates 8 U.S.C. §§1221 and 1252(f) as inapplicable to lack of jurisdiction arguments used to date.

particular; and as grounds for his Motion to Recall Mandate of this Court issued December 19, 2000 and by brief in support thereof to state:

A. The Court lacked jurisdiction to issue the Per Curiam Opinion filed 10/13/00; both the opinion and subsequent acts in concert therewith are null, void, and without legal effect at their inception; and the entire effort became repugnant to the United States Constitution. *Marbury v. Madison*, 5 U.S. (1 Cranch) 137.

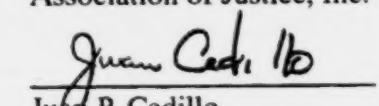
B. Federal statutes and case law repugnant to the Constitution of the United States--the Voice of the People -- have no standing in any court of the United States Government -- a government formed by the United States Constitution and created thereby .Ibid.

C. Title 28 U.S.C. § 1331 places original jurisdiction of federal questions involving all civil actions arising under the Constitution, laws, or treaties of the United States Government in district courts and § 1917 of said title authorized the appeal of record in this Court. If a conflict exist between provisions of Titles 8 and 28 as to the jurisdiction of both courts, the conflict must be resolved under constitutional law, the Bill of Rights, § 1, 14th Amendment as applicable to *any person*, and Title 28. *U.S. v. Yian*, 905 F.Supp. 160, 166; affm'd 134 F.3d 79, (1998).

D. The Court's attention is invited to consider the Brief attached hereto and the proposed order in consonance with this motion.

Wherefore, Appellant Cedillo demands the Per Curiam Opinion filed with the Court on October 13, 2000 be declared null, void, and without legal effect at its inception as repugnant to the United States Constitution and the mandate issued subsequent thereto should be recalled forthwith.

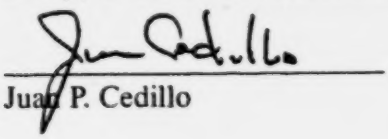
Respectively submitted,
Juan P. Cedillo, President
U.S. Counter-Insurgent
Association of Justice, Inc.



Juan P. Cedillo,
1215 Grand Avenue
Kansas City, Missouri 64106
(816) 221-7384

CERTIFICATE OF SERVICE

I certify that two (2) true and correct copies of the foregoing motion and brief was sent by U.S. Mail, first class, postage prepaid addressed to Jeffrey P. Ray, Assistant U.S. Attorney, Charles Evans Whittaker Courthouse, 400 East Ninth Street, Suite 5510, Kansas City, MO 64106-2149 on this 23RD day of February, 2001 pursuant to Rule 28A(a) of the 8th Cir. Rules and Procedure and FRAP 25 and 31.



Juan P. Cedillo

BRIEF IN SUPPORT OF
MOTION TO RECALL MANDATE ISSUED 12/19/00

I. General

A. The Court issued a per curiam opinion affirming the lower court decision to deny an injunction sought by the Appellant Cedillo. Cedillo then sought by petition for an en blanc rehearing on November 28, 2000 which was declared untimely based upon FRAP 40 as supplemented as though:

1. Said court rule is superior to the power of the United States Constitution and can overrule an acts of this Court and the lower

courts which are repugnant to that constitution;

2. Cedillo had control of (a) this Court actual deliberations and the considerations of the unconstitutionality of lower court activities; and (b) the applicable Title 8 laws imposed upon aliens contrary to 18 U.S.C. 242 and Title 28 U.S.C. § 1331 at all times pertinent, especially when Cedillo was denied an opportunity to participate in oral arguments to emphasize the said unconstitutionality;

3. Sections 3 and 4 of the 14th Amendment of the United States Constitution are judicially null, void and without controlling power; and,

4. FRAP 40 as supplemented actually address and consider unconstitutional acts of the lower court and the laws called upon.

B. To show an act repugnant to the United States Constitution, Cedillo must show that:

1. A constitutional right declared by that constitution is denied by a state or federal statutes, case law, court rules, or actions of federal or state public officers, agents or employees.

2. There must be a remedy under law for the wrongs done.

3. This Court must have jurisdiction to cure the defect.

C. The constitutional prohibitions against ex post facto laws, bills of attainder, denial of due process of law, the denial by any State to the equal protection of the law due any person, and the right to be tried in a district of a State as ascertained by law bind the public officers of this Court and other courts within the United States of America which includes all state courts.

II. JURISDICTION

A. The public judicial officers of this Honorable Court and every other court, state or federal, are bound by Oath or Affirmation to support the Constitution of the United States in exchange for the

trust provided by the American Citizens, regardless of where they reside, needed to exercise the authority of the office held[2].

B. Said judicial officers are bound by *Marbury* without deference to FRAP as supplemented since such rules are subordinate to the supreme court decision therein[3].

C. Members of this Honorable Court has no jurisdiction to act contrary to their required constitutional Oath or Affirmation given in order to enter the public office held in order to exercise the authority of 28 U.S.C. § 1331 acquired thereby or contrary to provisions of due process of law and the equal protection of law[4] acquired by *any person* under the said constitution.

III. STATEMENT OF THE CASE

A. Whether a constitutional right is denied *any person*, whether a remedy is provided for the wrong done, and whether this is the right Court to cure the defect.

IV. STATEMENT OF THE CASE

A. The case appealed a decision of a lower court which ignored constitutional rights available to *any person* and denied injunctive relief sought by Cedillo who is openly organized under the self-

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[2] Article VI, Clause 3, Constitution of the United States.

[3] Marbury v. Madison, 5 U.S. (1Cranch) 137.

[4] Article V and § 1, 14th Amendment applicable to due process of law, §1, 14th Amendment applicable to the denial by any State to the equal denying any person the equal protection of the laws, and the 6th Amendment applicable to being tried by an impartial jury in the district as ascertained by law. Still further such persons have a right to appear before public officers who have not refused to Assent to Laws, the most wholesome and necessary for the public good; and a public officer who have not obstructed the Administration of Justice, by refusing to Assent to Laws for establishing Judiciary Powers, (Declaration of Independence, Clauses 1 and 8, Facts submitted to a candid world).

executing provisions of § 4, 14th Amendment actively suppressing act of public officers, agents, and employees of government who use their public office, agency, employment, the furnishings, the personnel supplied therefor, and the public appropriations for public service attendant thereto intentionally defying federal or state law with the sufficient force and effect of the office held to deny during times pertinent to deny the power of the United States Constitution[5]. Cedillo has established a debt in the name of the United States Constitution equal in an amount spent by said public servants to accrue over time until the defect is cured by the United States Congress[6].

B. Cedillo maintains the foregoing statement provides the impetus for his total actions to date and that no court action to date applicable to the instant cause can properly claim to embrace the Constitution of the United States under any possible interpretation.

V. FACTS, POINTS OF LAW, AND AUTHORITIES

A. The Congress of the United States cannot enact, the President of the United States cannot sign into law, and the Supreme Court cannot decide in favor of any action of the United States Government repugnant to the Constitution of the United States[7].

B. Government actions repugnant to the Constitution of the United States are null, void, and without legal effect at their inception[8].

1. 8 U.S.C. § 1252(f) is a bill of attainder punishing American citizen relatives of aliens and there exist a constitutional proscription

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[5] The definition of an insurrection engaged in by public officers as used in self-executing Section 3 provisions of the 14th Amendment and contained in Case name and number In re Charge to Grand Jury, N.D. I11 (1894), 62 F. 828.

[6] See debt that can be established to suppress insurrections engaged in by public officers under the self-executing provisions of § 4, 14th Amendment to the U.S. Constitution which cannot be questioned.

[7] Marbury and FN 1.

[8] Ibid.

against governments, both state and federal, imposed upon their public officers, agents, and employees for punishing a class of *any persons* whose rights established for them in the Constitution of the United States are protected in that constitution[9].

2. Court action in support of the aforesaid unconstitutional acts of the Legislative and Executive Departments becomes repugnant to the constitution for the same reasons and lack standing in any court of law even when the said laws purports to deny the courts jurisdiction to decide.

3. At no time has any court with original jurisdiction reviewed the constitutional issues raised either in district court or on appeal placing denies States power to pass bills of attainder Laws. Denying any persons of a class Bill of Rights access to courts of original jurisdiction on constitutional issues by congressional enactments and subsequent Codes of Federal Regulations become a punishment proscribed by the U.S. Constitution such court actions constitutionally repugnant[10].

C. Rights protected by the Constitution are being denied to *any person,* even aliens unlawfully in the United States; a remedy for denial of their Bill of Rights lies in *Marbury* voiding any congressional

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[9] See FN 3 and Section 9, Clause 1, Article II, U.S. Constitution which imposed a tax on imported persons as property which the 13th Amendment latter voided since no private persons are not property for tax purposes of any type. Aliens are not the property of the U.S. Govt. either under the U.S. Constitution or International Law. *Reno v. Am-Arab Anti-Discrimination Comm., 525* U.S. 471, 481-82 (1999), 8 U.S.C. 1221-1231, and 8 U.S.C. § 1252(f) force a class of Americas citizens – relatives of aliens – in addition to aliens to be the property of the United States Govt. which makes such statutes and case law repugnant to the 13th Amendment first, and the 5th, 6th, and 14th Amendments thereafter. Clause 3 of said Section 9 denies the United States Govt. power to pass bills of attainder Laws as punishments in conflict with Title 28: Judiciary and Judicial Procedures. Section 10, Clause 1, Article II, U.S. Constitution

[10] Ibid., FN1, *Yian,* and *Marbury.*

statute enacted without deference thereto; 28 U.S.C. § 1331 provides authority for this Court to require the lower court to correct the wrongs being done by the statutory anomalies in Title 8. This Honorable Court is the right court with the proper jurisdiction under Title 28 precisely for the correct reason and precisely within the proper venue needed to cure the defect.

VI. ARGUMENT

A. The lower court took a narrow view of its jurisdiction to consider the injunction sought. The Office of the U.S. Attorney for the Western District of Missouri had questionable authority to represent the entire jurisdiction of the Department of Justice since the sanctuary was formed by the Counter-Insurgent Association of Justice, Inc. against the unconstitutional acts of public officers, agents, and employees, both state and federal some of whom act outside the Western District of Missouri, against persons protected by the Bill of Rights, some of whom reside outside both the Western District of Missouri and those other federal districts which compose the 8th Circuit.

B. Neither this Honorable Court nor any other court of law has competence to deny itself jurisdiction in this civil cause based upon a statute in Title 8 that is in conflict with Title 28 which is the only source it can use to determine jurisdictional questions of a constitutional nature especially when opposing statutes stand on unconstitutional grounds.

C. This Court had no authority to affirm the decision of the lower court which stood on grounds which clearly denied rights to persons protected by the constitutively Bill of Rights.

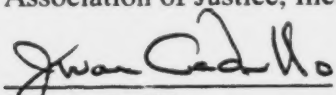
VII. CONCLUSION

A. This Court has jurisdiction to hear and determine the appeal of the lower court's denial of injunctive relief sought by Cedillo on the grounds that the lower court's decision was unconstitutionally grounded; that the Rights protected by the Constitution is being denied to *persons,* even aliens unlawfully in the United States and American citizens; a remedy exist voiding any congressional statute denying

them the protection of the Bill of Rights and is provided for the wrongs being done by the statutory anomalies in Title 8, and this Honorable Court is the right court with the proper jurisdiction under Title 28 precisely for the correct reason within its proper venue needed to cure the defect in the circuit. B. The mandate issued should be recalled forthwith.

Wherefore, Appellant Cedillo demands the Per Curiam Opinion filed with the Court on October 13,2000 be declared null, void, and without legal effect at its inception as repugnant to the United States Constitution and the Mandate issued subsequent thereto should be recalled forthwith.

Respectively submitted,
Juan P. Cedillo, President
U.S. Counter-Insurgent
Association of Justice, Inc.



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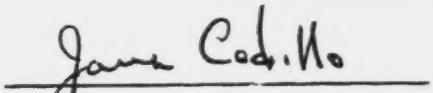
CERTIFICATE OF SERVICE

I certify that two (2) true and correct copies of the foregoing motion and brief was sent by U.S. Mail, first class, postage prepaid addressed to Jeffrey P. Ray, Assistant U.S. Attorney, Charles Evans Whittaker Courthouse, 400 East Ninth Street, Suite 5510, Kansas City, MO 64106-2149 on this 23rd day of February, 2001 pursuant to Rule 28A(a) of the 8th Cir. Rules and Procedure and FRAP *25* and 31.



Juan P. Cedillo

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

NO. 99-4269

JUAN CEDILLO, President, United States Counter-Insurgent Association of Justice, Inc.,	*	
Appellant,	*	Appeal from the United States District Court for the Western District of Missouri.
v.	*	
UNITED STATES OF AMERICA	*	
Appellee.	*	

ORDER

THIS MATTER is before the Court on Appellant Cedillo's Motion to Recall the Mandate issued December 28, 200 on constitutional grounds that the Court does have jurisdiction to review the appeal of a lower court denial of the injunctive relief sought to suppress unconstitutional acts by state and federal public officers, agents, and employees; the Court finds the motion well taken;

IT IS THEREFORE ordered that the Mandate issued December 28, 2000 is recalled effective this date and the Per Curiam Opinion filed October 13, 2000 is declared null, void, and without legal effect on that date.

DATE JUDGE

THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

JUDGMENT IN A CIVIL CASE

JUAN CEDILLO and UNITED STATES COUNTER-INSURGENT ASSOCIATION FOR JUSTICE, INC.

Plaintiffs

Case No. 99-0671-CV-W-4

v.

THE UNITED STATES OF AMERICA,

Defendant.

____ **Jury Verdict**. This action came before the Court for a trial by jury. The issues have been determined and a decision has rendered its verdict.

__X__ **Decision by Court**. This action came before the Court. The issues have been determined and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

Defendant's Motion to Dismiss Plaintiffs' Amended Motion for injunctive Relief is GRANTED; and

Plantiff's Motion to Compel is DENIED.

November 15, 1999
Date

Patricia L. Brune
Clerk

(by) Deputy Clerk